

APPROVED: Meeting No. 10-84

ATTEST:

*Helen M. Heneghan*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 9-84

April 9, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 9, 1984, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: Acting City Manager James M. Davis; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Davis reported the following:

1. The State Highway Administration meeting and briefing was held on March 29 here at City Hall. The realignments were examined. The State will be reporting back to the City the week of April 23. It will be a joint briefing to the Mayor and Council and the Montgomery County Council. At that time they will also be looking at the 2-3-3-2 alternative and the report results. The 24 hour noise counts are not ready at this time.

2. Members of the City staff, Metro and the Maryland-National Capital Park and Planning Commission met today at the Twinbrook East Parking lot to discuss berms and settle differences on landscaping differences. Another meeting will be held on Wednesday.

3. There is a new traffic control device at Washington and Martins Lane.

4. The work has been completed on sediment control at Broome. The field construction will begin next week. Mayor Freeland asked if Mr. Davis were aware of the State placing any limit on the height of the noise barriers at I-270. Mr. Davis said not yet since the realignment has not been settled. The hope would be to have them extend 17 feet above the retaining wall but it depends on lateral supports.

Councilman Tyner said it is important that Park and Planning knows what is to be done at the Twinbrook Parking Lot. Councilman Tyner added, of the City supported

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Maryland Municipal League Bills, two are on the governors desk for signing and the third is awaiting votes tonight during the closing hours of the session.

Re: Appointments

Mayor Freeland made the following appointment:

Animal Control Board: Ruth Hanessian - appointed - 3 year term as member  
301 Highland Ave. - appointed - 1 year term as Chairman

The appointment was confirmed by the Council.

Re: Proclamation: "Help Young America Week"

Proclamation No. 2-84

There being no objection from the Council, Mayor Freeland proceeded to proclaim the week of April 15 as Help Young America Week. Councilman Duncan read the proclamation at the request of the Mayor in which it was urged that citizens assist young people in their efforts to bring happiness to the lives of older citizens through the PAL Program.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. David Brown, 2272 Dunster Lane. Mr. Brown told the Council of a problem he is having with the Parks Department due to a sixty foot tree falling on his house Christmas Eve. While falling it sheared off a twenty-foot maple tree. It is the City's obligation to replace this tree since it was a City tree that caused the problem and the City is obligated to pay the difference between the insurance and the actual cost. Mr. Brown deplored the lack of responsiveness from the Parks Department. He also said he has had a problem for a long time with the Park behind his house and the large crowds who use it. He said he is sure they are not all Rockville citizens. He noted that a large sign has recently been placed on the park that will only attract more people from outside Rockville. Mayor Freeland said the Council is unaware of the points mentioned. He is happy that Mr. Brown brought it to their attention. It will be tracked by the staff. Councilman Abrams said he has recently talked with the City Manager on both of these problems and expects when the City Manager is well he will be bringing the Council up to date. The entire matter of the park needs will take further debate on the part of the Council to resolve the use of the parks versus neighborhood tranquility.

2. Bernie Gaunt, 308 Lincoln Avenue. Mr. Gaunt presented a letter to the Mayor and Council addressing the problems at the pump house and a drainage problem that exists. He also mentioned the Douglas Street entrance to the park in the Lincoln

Park area where there is puddles and the poor drainage on the recreation field. He added that the sidewalk and the fence in the Senior Recreation area at Lincoln Park needs repair. It is badly broken where a tree fell. The Mayor thanked Mr. Gaunt and said the staff will get to those very soon.

3. Jerry Leszkiewicz, 813 Woodley Drive. Mr. Leszkiewicz addressed the Council concerning the widening of I-270 and the lack of attention that he feels the City is giving to the project. The neighborhood has asked for noise studies but they have not been done. The neighborhood has asked that a consultant be hired and that has not been done. He said 'For Sale' signs seem to be going up in the neighborhood which could be a sign of panic or despondency. He suggested an article in the City's newsletter would be helpful to the people. He particularly noted the State has not yet programmed the funds that would be committed for noise attenuation. The Mayor explained to Mr. Leszkiewicz the difficulty in programming funds for individual items when the concept of the road has not yet been approved. For that reason it is quite difficult to finetune a design. Mr. Leszkiewicz said that with the impending retirement of the head of the State Highway Administration there could be decisions made that will not be implemented until later. The Mayor explained that the studies cannot be done before the concept is approved, but he will attempt to find out the status of the sound study.

4. David Saidel, 2414 Henslowe Drive. Mr. Saidel told the Mayor and Council that two paths exist into Potomac Woods Park and they are eight feet wide between his building and the next. He presented a petition to the Council suggesting that the path width be limited to four feet. He also said the area needs landscaping. Mayor Freeland said an explanation will be coming from the Recreation and Park Board as to the path's width. He himself sees no necessity to extending them to eight feet. Mr. Davis explained that the paths were eight feet to connect with the bikeways through out the City and those going through the park. Councilman Abrams said the staff interpreted the bike path policy to be all eight feet when in fact that should not be. He suggested a policy may be adopted by the Mayor and Council wherein the Mayor and Council would reserve the design of amenities until a community is in place and that way the homeowners would have a voice in what is being done in their neighborhood. Mayor Freeland assured Mr. Saidel the matter would be addressed and he prefers no pathway at all.

There being no other citizen wishing to address the Mayor and Council, the citizen's forum portion of the meeting was closed.

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Re: Public Hearing: RTH-4-83,  
Townhouses on Seven Locks  
at Ritchie Parkway and  
Falls Road

The Mayor and Council opened a public hearing on RTH-4-83, townhouses on Seven Locks Parkway at Ritchie Parkway and Falls Road and continued the hearing until June 11 at 8:30 p.m. at the request of the applicant.

Re: Public Hearing: Map  
Amendment Application,  
M-37-84, 820-822 Rockville,  
Pike requesting the  
property be rezoned from  
the present I-1,  
Industrial to C-2  
Commercial

The Mayor and Council conducted a public hearing on Map Amendment Application, M-37-84, requesting the property at 820 - 822 Rockville Pike be rezoned from the present I-1, Industrial to C-2 Commercial Zone, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for two weeks.

Re: Public Hearing, Text  
Amendment T-58-83, David  
D. Frieshtat, Applicant,  
requesting a new  
subsection to be added to  
the Zoning Ordinance to  
address problems relative  
to off-street parking in  
the O-2 zone

The Mayor and Council conducted a public hearing on Text Amendment Application T-58-83, David Frieshtat, Applicant, requesting that a new subsection be added to the Zoning Ordinance to address problems relating to off-street parking in the O-2 Zone, and heard those people as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the hearing with the record to be held open for one week.

Re: Introduction of Ordinance:  
To amend the Master Plan  
to include the Lincoln  
Park Neighborhood Plan

On motion of Councilman Tyner there was introduced upon the table an ordinance amending the Master Plan to include the Lincoln Park Neighborhood Plan, said ordinance to lay over at least one week before final action is taken. Councilwoman Hovseplan suggested that page 4 be amended to add drainage as part of the enhancement program. Ardelle Shirley of 605 Douglas Avenue addressed the Mayor and Council and suggested that the WINX's property be changed back to residential. It is inappropriate to have more commercial use in the neighborhood. Councilman Tyner

suggested that the intention of the Mayor and Council be stated to the have property be residential. Steve Elmendorf a representative of WINX asked that the status quo be maintained until annexation peition is placed before the Mayor and Council. It was his contention that no formal recommendation should be made until it is necessary. Mr. Bernard Gaunt told the Mayor and Council that there is a storm drain that is a problem near the Church property.

Re: Adoption of Ordinance: To amend zoning map by adding .45 acres of land, X-88-83, Dustin, Quinn, et al.

Ordinance No. 10-84

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 10-84, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council amending the zoning map by adding .45 acres of land, X-88-83, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To amend zoning map to include 1.175 acres of land, X-89-83, Curry

Ordinance No. 11-84

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 11-84, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, amending the zoning map by adding 1.175 acres of land, X-89-83, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To amend the zoning map of the City to include 0.5317 acres of land, more or less, on the east side of Avery Road, X-92-83, Mayor and Council, Applicant

Ordinance No. 12-84

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 12-84, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending the zoning map of the City to include 0.5317 acres of land, X-92-83, was adopted by the Mayor and Council.

Re: Adoption of Resolution: To enlarge the corporate boundaries of the City to include 36.593 acres of land, more or less, on the north side of Baltimore Road, X-93-83, Mayor and Council of Rockville, applicant

Resolution No. 14-84

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution

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No. 14-84, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council enlarging the corporate boundaries of the City to include 36.593 acres of land, X-93-83, was adopted by the Mayor and Council.

Re: Introduction of Ordinance:  
To amend the zoning map to  
include 36.593 acres of  
land, X-93-83, north side  
of Baltimore Road

On motion of Councilman Abrams, there was introduced upon the table an ordinance to amend the zoning map to include 36.593 acres of land, X-93-83, said ordinance to lay over at least one week before final action is taken.

Re: Adoption of Resolution:  
To Authorize Execution of  
a contract providing for  
certain conditions of  
annexation of the property  
of J.B. Company

#### Resolution No. 15-84

Councilwoman Hovsepian suggested that the proper buffering be put in place wherever necessary. Mr. Owens said that would be handled administratively.

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 15-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, executing a contract providing for certain conditions of annexation of the property of J.B. & Company.

Re: Adoption of Resolution:  
To enlarge the corporate  
boundaries of the City to  
include 1.0823 acres, on  
the north side of South-  
lawn Lane at North Horners  
Lane, X-94-83, J.B. &  
Company, Applicant

#### Resolution No. 16-84

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 16-84, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, enlarging the corporate boundaries of the City to include 1.0823 acres was adopted by the Mayor and Council.

Re: Introduction of Ordinance:  
To Amend the zoning map by  
adding 1.0823 acres of  
land, on the north side of  
Southlawn Lane at North  
Horners Lane, X-94-83,  
J.B. & Co., Applicant

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to amend the zoning map by adding 1.0823 acres of land, said ordinance to lay over at least one week before final action is taken.

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Re: Adoption of Resolution:  
To deny Street Closing  
Application, SCA-42-83,  
Ritchie Parkway, Harry  
Lerch, Applicant

Resolution No. 17-84

Councilman Tyner complimented the staff on the wording of the Resolution. He asked the status of the Hectic Hill, Voegtly and Gude Annexation. Mr. Glasgow said the documents have been prepared for both parties and he is waiting to have them approved. It should be on the April 23 agenda. Mayor Freeland noted that both parties must agree in order for the Mayor and Council to approve it.

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 17-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, denying Street Closing and Abandonment Application, SCA-42-83, Harry Lerch, Applicant, was adopted by the Mayor and Council.

Re: Adoption of Resolution:  
To place a moratorium on  
RTH application

Resolution No. 18-84

Councilman Tyner asked if the report of the Housing Policy is late in coming should the timetable be extended and should not that information be included in the Resolution. Mr. Glasgow explained that a date certain is best included in a resolution. This has been done according to information provided by Mr. Davis. Mr. Davis said the dates are right on target since the report is due in October. Mr. Glasgow explained that when the time comes due, if an extension is necessary, it can be done. Councilwoman Hovseplan noted that the City's moderate-priced dwelling unit ordinance should be in place at this time.

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 18-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, placing a moratorium on RTH applications, was approved by the Mayor and Council.

Re: Alternatives to perform-  
ance bonds and decision on  
payment bond requirement

At the February 28, 1984, staff meeting, at which the City bonding requirements and possible alternative were discussed, the following two recommendations for the Mayor and Council were decided upon, which require amendments to the "Laws of Rockville" a) the elimination of payment bond requirements throughout the "Laws of Rockville" and b) make clear that posting security other than bonds is not solely at the option of the developer, but rather that acceptance of such alternate security is at the sole discretion of the City.

In accordance with those positions, staff has prepared the following proposed amendments to various provisions of the "Laws of Rockville":

1. A proposed text amendment to the Zoning Ordinance to amend Section 5-510 (dealing with the bonding for common areas conveyed in cluster and planned residential unit developments) and Section 7-204 (relating to the bonding requirements of public improvements in subdivisions) so as to delete the payment bond requirements and to make clear that whether or not alternative securities are accepted is at the sole discretion of the City Manager or the City Manager's designee.

2. A proposed amendment to the Road Code.

3. A proposed amendment to Chapter 17.

a) Preliminary Review, T-60-84

On motion of Councilman Abrams, duly seconded and unanimously passed, Text Amendment Application, T-60-84, was referred to the Planning Commission for further review.

b) Introduction of Ordinance:  
To Amend Chapter 17 of the Laws  
of Rockville, Grading, Erosion  
and Sediment Control, to  
eliminate the payment bond  
requirements and reference  
Maryland Water Resources  
Administration Regulations

On motion of Councilman Duncan, there was introduced upon the table an ordinance amending Chapter 17 to eliminate the payment bond requirements and reference Maryland Water Resources Administration regulations, said ordinance to lay over at least one week before final action is taken.

c) Introduction of Ordinance:  
To Amend Chapter 7, Sections  
7-1.11 and 7-1.12 of the Road  
Code to provide for the  
acceptance of security other  
than cash or corporate bond

On motion of Councilman Abrams, there was introduced upon the table an ordinance to amend Chapter 7 to provide for the acceptance of security other than cash or corporate bonds, said ordinance to lay over at least one week before final action is taken.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Delegate Gordon, re Annexation bills  
re Open Space
2. Councilwoman Gelman, re Bill 9-84
3. N. Christeller, re Annexations



4. Delegate Boergers, re Bills SB828, HB1223, HB1224
5. Peerless Rockville, re Dawson farmhouse  
Councilman Tyner asked if the City is preparing to place this on the National Register. Mr. Davis said yes.
6. Paul McGuckian, re sidewalk repairs  
Councilman Duncan asked for an update from the City Manager.
7. RBBA, invitation to Opening Day, 4/28
8. Senator Shore, acknowledgment
9. John Ahern, re dangerous traffic situation at Wintergreen  
Councilman Duncan asked for an update from the City Manager.
10. V. Kosich, re parking problem on Vandergrift  
Councilwoman Hovsepien asked if it would be necessary to extend the permit parking area. Councilman Tyner said that is up to the citizens. If they wish they may request it. They had an opportunity to join the permit parking area when it was instituted but declined.
11. Maryland Department of Economic and Community Development re Bill Pate Award
12. North Farm Homeowners Association re water and traffic problems  
Councilman Abrams asked if the staff could give him any further information on this.
13. R.E. Carlin, re Text Amendment Application, T-53-83  
Councilwoman Hovsepien asked what this amendment is about. Mr. Davis outlined it as did Mr. Glasgow. It is an attempt to harmonize development standards with a mechanism developers need for financing. The Mayor asked that a letter be drafted explaining the City's position and that the staff will keep these people informed.
14. Mulligan & Griffin re Community Partnerships  
Councilwoman Hovsepien asked who will decide how the money will be spent. The Mayor and Council discussed this at length and felt it would be decided later when the particular projects are reviewed.

Re: Information Items

1. Land Use and Development Staging - Shady Grove study
2. Senior Center Highlights
3. Contest entry letter  
Councilwoman Hovsepien said she feels this is a good idea.
4. Delegates' letters on miscellaneous matters
5. Letter to Treatment Center from Mr. Premo
6. Memo from City Manager re Student Government Day

Councilman Duncan suggested that all three schools be used, not just Richard Montgomery. Mayor Freeland noted that using all three schools the first time is very difficult to do and to coordinate. He suggested that the program might be expanded at a latter time after it is once tried. Councilman Duncan said that would be all right if other schools are told that this is a pilot program and they will be included later but all three should be notified. Mayor Freeland agreed and suggested that a letter be sent saying that because of interest in the program, the City plans to reinstitute it. One school will be used and then the two others will follow

quickly behind it if they agree. Councilwoman Hovsepian said there may not be time this school year to carry off the program. Councilman Abrams cautioned that only Rockville students in public schools should be used.

7. Letter to R. Ferrara, from CDHA, re reprogramming of CDBG funds
8. Letter to R. Ferrara, from CDHA, re Summit Apartments study.

On Item No. 7 and 8, Councilman Duncan said there is a letter giving City the funds to do with it as it wishes since many programs have been suggested, one being the study of the Summit Apartments. Mayor Freeland suggested the follow up be done with the City Manager so that he can work with the County and satisfy these matters.

9. Response to citizen complaint
10. Memo re CATV restructuring proposal from Energy Planner
11. Information on Population estimates from Director of Planning
12. County Letter re Cable TV

Councilwoman Hovsepian said she is pleased to see this is being done.

13. Twinbrook letter to City Council

Councilwoman Hovsepian asked the present status of this. Mayor Freeland said it is still under negotiation.

13. Twinbrook letter to City Council

Councilman Duncan asked if this had been sent to the PTA. Mrs. Hovsepian said she had requested that be done.

#### Re: New Business

1. Councilman Duncan asked when the sample ballots will be mailed to the voters. The City Clerk said they are at the printers and should be proofed by the end of this week and then ready for mailing.

#### Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and passed, (Councilman Abrams abstaining, since he was not present) the Minutes of Meeting No. 6-84, March 12, 1984, were approved as written.

#### Re: Adjournment

On motion of Councilman Abrams there being no further business to come before the Council in general session, the meeting was adjourned 10:58 p.m. to convene again in general session on Monday, April 23, 1984, or at the call of the Mayor.